

ELECTRONIC GOVERNMENT AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jefferson Moss

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions related to electronic transactions and appearances.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ clarifies that, for purposes of the Uniform Electronic Transactions Act, the term "electronic" includes "blockchain"; and
- ▶ permits governmental agencies to develop requirements with respect to:
 - electronic transactions;
 - remote appearances; and
 - certifying documents through blockchain.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

46-6-101, Utah Code Annotated 1953

46-6-102, Utah Code Annotated 1953



28 *Be it enacted by the Legislature of the state of Utah:*

29 Section 1. Section **46-6-101** is enacted to read:

30 **46-6-101. Definitions.**

31 As used in this chapter:

32 (1) "Appearance" means an individual's physical presence before a public official in
33 conducting official business or receiving government services.

34 (2) "Blockchain" means an electronic method of storing data that is:

35 (a) maintained by consensus of multiple unaffiliated parties;

36 (b) distributed across multiple locations; and

37 (c) mathematically verified.

38 (3) "Governmental agency" means the same as that term is defined in Section
39 46-4-102.

40 (4) "Remote appearance" means an electronic process that facilitates an individual to
41 engage in a synchronous audio and visual meeting for the purpose of engaging in a transaction
42 with other parties or satisfying the requirement to appear before a public official in conducting
43 official business or receiving government services.

44 Section 2. Section **46-6-102** is enacted to read:

45 **46-6-102. Electronic local government records.**

46 (1) For purposes of this chapter, and Chapter 4, Part 5, Electronic Records in
47 Government Agencies:

48 (a) "Certified" means a copy of a document that the document's legal custodian asserts
49 is a true and correct copy of the document.

50 (b) "Electronic" includes "blockchain."

51 (2) Unless otherwise required under state or federal law, a governmental agency that is
52 not a state governmental agency may:

53 (a) identify specific transactions that the agency is willing to conduct by electronic
54 means;

55 (b) identify specific transactions that the agency will never conduct by electronic
56 means;

57 (c) specify the manner and format in which electronic records must be created,
58 generated, sent, communicated, received, and stored, and the systems established for those

59 purposes;

60 (d) if a law or rule requires that the electronic records must be signed by electronic
61 means, specify the type of electronic signature required, the manner and format in which the
62 electronic signature must be affixed to the electronic record, and the identity of, or criteria that
63 must be met, by a third party used by a person filing a document to facilitate the process;

64 (e) specify control processes and procedures to ensure adequate preservation,
65 disposition, integrity, security, confidentiality, and auditability of electronic records; and

66 (f) identify any other required attributes for electronic records that are specified for
67 corresponding nonelectronic records or that are reasonably necessary under the circumstances.

68 (3) Unless otherwise required under state or federal law, a governmental agency may:

69 (a) identify specific appearances that the governmental agency is willing to conduct as
70 remote appearances;

71 (b) identify specific appearances that the governmental agency will never conduct as
72 remote appearances;

73 (c) specify the manner and format in which the government agency may conduct the
74 remote appearance;

75 (d) specify the criteria that must be met by a third party used to facilitate the remote
76 appearance;

77 (e) specify processes and procedures to ensure adequate integrity, security, and
78 confidentiality of the remote appearance; and

79 (f) identify other required attributes for a remote appearance that are specified for
80 corresponding appearances or that are reasonably necessary under the circumstances.

81 (4) Unless otherwise required under state or federal law, a governmental agency may:

82 (a) identify specific documents that the governmental agency is willing to:

83 (i) certify through blockchain; or

84 (ii) recognize as certified through blockchain;

85 (b) identify specific documents that the governmental agency will never:

86 (i) certify through blockchain; or

87 (ii) recognize as certified through blockchain;

88 (c) specify the manner and format in which a custodian may certify a document
89 through blockchain;

90 (d) specify the criteria that must be met by a third party used to certify a document
91 through blockchain;

92 (e) specify processes and procedures to ensure adequate preservation, auditability,
93 integrity, security, and confidentiality of documents certified through blockchain; and

94 (f) identify other required attributes for certifying a document through blockchain that
95 are reasonably necessary for corresponding documents certified through another means.